## Colored Man

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## POKEY NOT GUILTY.

VOL. XII. NO. 21.

The Prosecution Breaks Down.

THE PRISONER SECURES

HER LIBERTY. Hurried by Her Lawyer to Richmond Now here-A Tragic Ending of the Case

GRAND OVATION AT THE TRAIN

Visits the Planet Office - Joy Unre strained-Poor Aunt Mary

Ex-Judge A. D. Watkins, Comn

ested against the same. Ex-Judge Watkins said he had carefully consid-

The fact Pokey Barnes was free was quickly communicated to this city and spread like wild-fire. The following telegram from the counsel was receiv-

"John Mitchell, Jr., Editor of the PLANET, Richmond, Va. Common wealth entered noile pros-equi in Pokey's case. Meet us at train."

Although few persons were informe of this fact the news spread and with-in ten minutes after he had communidepot that she would arrive at the Byrd St. Station at 7 p. m. there was a arge crowd present.

AFTER THE TRAIN ARRIVED.

Captain A. B Guigon was off first and grasped Editor Mitchell's hand, then came the Hon. George D Wise, the veteran. He showed that sturdy mination for which he is noted ression of quiet satisfaction. George ragg, Jr. who had been in Farmville

Johnson, and was in waiting.

To this carriage Pokey was escorted amidst the multitude, a struggling mass of men, women, children all striving to get a glimpse and shake the hand of one who had been so near death's door

She was placed in the carriage and Editor Mitchell and her father joined Then there was a mighty shout, "Three cheers for John Mitchell!" It

called out, "Three cheers for Pokey Barnes!" The demonstration was The party was driven to the PLANET office. On the way they met Squire H. E. Jonathan and he got into the carri-

AT THE PLANET OFFICE. The news spread and white, colored male and female surged into the office. Pokey was seated in the editorial room

and for ten minutes shook hands with

The drive to the residence of Mrs. Rosa D. Bowser, president of the Wo-man's League and Miss Marietta L Chiles, secretary of the League was equally as marked by the appreciation shown by those who gathered around

Joanna Thompson's residence, Editor Mitchell's residence and last to the temporary home of Pokey, at Mrs. Bet-tie Graves residence, 813 N 1st Street. The carriage was beseiged at all of Females in the kitchens, at the wash-

upon Lawyers Wise, Flournoy and for a new trial. Guigon, ex-Judge Watkins, Gov. O'Fer rall and the editor of the PLANET.

During the stilly hours of Wednesday night, the First Battalion Band (string) under the leadership of Mr Nelson Barris serenaded Editor Mitchell and Pokey Barnes. The mu was heavenly, the strains scraphic.

FARMVILLE, VA , April 28.

however, Judge Flournoy stated that counsel for the defence wished to amend their motion for a stay of judge nent, but before doing so I desire to see Mr. A. E Clemente, who was expected to arrive on the train upon which Judge Mann was also expected. Court accordingly adjourned until

Upon the reconvening of court Judge and the primary election for munici Flournoy addressed the Judge and adpain officers, which takes place to-mor vanced a number of strong arguments why the verdict should be set aside. Judge Flournoy contended that the testimony of Mr. White, Mrs. Thomp-son and Phil. Watson had been improperly admitted.

JUDGE MANN'S IMPROPER REMARKS.

He also held that Judge Mann, in

his address to the jury had made state-ments closely akin to the testimony, and, therefore, improper.

Judge Mann, he said, had told the jury that he would not ask them to convict the prisoner unless they were morally certain of her guilt. "Now this statement," said Judge Flournoy, oming from a man of the standing o Judge Mann all over the community

has the greatest weight.

AMENDING THE MOTION.

lows: "The prisoner also moves the court to set aside the verdict, and grant her a new trial upon the further ground that the evidence of Mrs. Clemnote every exception with a view to as the time was concerned. He also

White, and Phillip Watson, respecting statements made to them by the pri-

MAKING EXPLANATIONS.

When Judge Flournoy had finished his brief argument in favor a new trial Judge Mann, in a few words, stated that he had had no intention to ma e any statements in his argument which might tend to prejudice the minds of the jury. He explained that he had not used the exact words attributed to him by Judge Flournoy, but admitted that he might have unconsciously contained that he had endeavored to carefully guard himself from any expressions of individual opinion, and had cautioned the jury to pay no attention to any expression of his which was not borne out by the evidence.

OAPTAIN WISE SPEAKS.

George D. Wise, ex-Judge H. W. Flour noy, and Capt. A. B. Guigon.

The commonwealth was represented by ex-Judge W. H. Mann, of Nottaway. Lunenburg County's Commonwealth's torney R. D. Southall and Prince Edward County's force the killing.

CAPTAIN WISE SPEAKS.

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CAPTAIN WISE SPEAKS.

entitled to a new trial ince her answer to the questions of Mr. H. C. Gregory in the Richmond jail had been excluded from the testimony. He also dwelt at length upon the admission of the evidence of Mr. White, Mrs. Thompson and Mrs. Clements, which, he said, should not have been admitted under the law.

thorities and meet the lawyers at the ourt-room next morning.

Pokey Marnes was then brought into court, and Captain Guigon addressed the Court in advocacy of a continuance. He said that they wished a continuance for various reasons. The first, he said, was that they were physically unfit to go on with the case.

He declared that he had no prejudice.

was an indefinable, all-pervading something in the atmosphere, which was the natural result of the verdict just rendered in the case of Mary Abernathy, which, in his opinion, would militate against that fairness, impartiality, and clearness of judgement so the sort of impression, based to the might have expressed as opinion concerning it; but not as the guilt or innocence of the prison story with the guilt or innocence of the prison the guilt or innocence of the prison story with the firmed a fixed opinion. He formed a fixed opinion that the guilt or innocence of the prison story with the guilt or i For these three reasons, said Captain Guigon, they wished a continuance.

Sragg, Jr. who had been in Farmville said that as glad to a postponement, but he did not a glad to a postponement, but

was at liberty to do so upon the reasons advanced by the defence. sons advanced by the defence.

Judge Crute continued firm, although again urged by the defence, Captains Wise and Guigon stating that they would be compelled to be in Richmond next week, whether the case was Marable case, and had evidence on his mind which it would require evidence. finished or not. Judge Mann said that the Commonwealth, he thought, could get the ough with their witnesses in one objection to Mr. Baker that he had

of Judge | rute to continue the case To-morrow will be given up to dis-posing of the motion of the defence for posing of the motion of the defence for not been influenced, and could give the setting aside of the verdict found the prisoner a fair and impartial trial

REFUSED A NEW TRIAL

Court was opened at 10:30 o'clock, counsel on either side being present and Judge Crute stated that he had carefully examined all of the eviden in the case, so far as it was obtainable tub, and seamstresses came rushing to and also referred to the authorities cited by the defence in their argumen

HIS REASONS GIVEN.

which he accordingly did, the defence excepting. Court was then adjourned, and Judge Crute took the 12:36 train for Bedford City, where his son is con-

Counsel for the defence have been busy all day preparing their bills of ex-ception upon which the Abernathy case

except the Pollard murder cases the evidence against her is as strong, if not stronger, than that in the Abernathy case. Defence, however, think that the result of the trial will not bear

The four bills of exception prepared by the defence are based upon the ex-H. C. Gregory in the Richmond jail, and upon the admission of her answer knew that the man she saw was Solomon Marable.

has the greatest weight."

Counsel for the Lunenburg women published in the Plank. There were despite their protests were forced to a few new features to his testimony.

There were the published in the Plank. There were forced to a few new features to his testimony.

The bis argument which he characterize the published in the Plank. There were enter upon the defence of Pokey He said that about a month before the in his argument, which he characterized as in his judgement improper, and calculated to have the same influence upon the minds of the jury as testimoverdict of murder in the first degree er cases, and restored these to their acagainst Mary Abernathy, they had yet rallied and stood ready for the great

Judge Flournoy then stated that the amendment of his motion of yesterday, which he wished to submit, was as folwhich he wished to submit, was as folwhich he wished to submit, was as folwhich he wished to submit was a

testified that he did not feel any part of his wife's dead body upon reaching brought in court by the colored jailer brought in court by the scene of the murder. to ascertain if there were any warmth in it, further than to lay his hand upon her face.

When Judge Crute had finished with the veniremen counsel for the defend

Being interrogated by Wise, Juror R. T. Carter said that he had been reading about the trials of Solomon Marable and Mary Abernathy in the Richmond papers, but he did know positively whether he had expressed an opinion as to the guilt or innocence of

He said Le had doubts in his mind

Mr. C. F. Binford was the next ve-

the guilt or innocence of the prisoner.

He had only read the testimony formed a sort of impression, based up on rumors, and, at the suggestion of Captain Wise, this venire was told to re could be examined Mr. C. C. Carter declared that he

HAD TALKED BUT ACCEPTED HIM. He had talked with some of the ju rors in both the cases of Marable and

similar, and he was selected as a juror; Messrs George T. Butcher, J. J. Over-ton and H. L. Womack gave satisfac-

objection to Mr. Baker that he had made to Mr J. P. McCraw, and asked him to stand aside temporarily.

that he could give the accused an impartial trial, although he had read FARMVILLE, VA , April 29 - Court | most of the evidence in the previous was in session only a few minutes to-day, the jury in the case of Pokey Barnes having been directed to be present at 10 o'clock to-morrow.

Cases The same statement was mode by Mr. George Smith, the last of the panel and the last three named were accepted as jurors. The same statement was made accepted as jurors. MORE SUMMONED.

Messrs J P. McGraw and L. T. Bak by Judge Crute, but, it appearing that they had formed opinions which it would require evidence to remove, they were discharged. This left only thirteen who were qualified to serve, After carefully meditating over the matter, he said, he had decided that and Sheriff Deckerson and an assistant The witness gay were dispatched into the country for

and, finishing the work of getting a jury, went into the testimony, only adurning shortly before 10 o'clock to

Messrs C Loverton, William Atkinception upon which the Abernathy case will be taken to the Supreme Court. To-morrow morning they will be signed by Judge Crute.

Son, and W. M. McNult were selected but she stuck to her original story with a good deal of accuracy, although sponding to the summons of Judge somewhat dismayed by the showers of

This made up the panel, and the de-ence struck off Messrs M. W McCraw leorge Smith, Bedford Brown and C The prosecu'ion at once began the

examination of witnesses for the Com-Mr. E.S. Pollard, husband of the murdered woman, was first called, and he rehearsed his oft-told story of the horrible tragedy.

MR. POLLARD'S CONDITION. Mr. Pollard appeared to be much

feebler than when he first came here as a witness in these trials. His evi-dence on both the direct and crossexaminations was substantially the same as that given by him in the case of Mary Abernathy, which was fully published in the Planer. There were

A venire of farmers from the upper end of the county, in the neighborhood where resided the brother of the understood by the expressions of individual opinion, and had cautioned the jury to pay no attention to any expression of his which was not borne out by the evidence.

Captain Wise speaks.

Captain Wise then addressed the court in favor of a new trial. He contended especially that the prisoner was entitled to a new trial ince her answer to the questions of Mr. H. C. Gregory in the Richmond jail had been exclud—

Went on to say that one day in August, 1894, she and Pokey Barnes and a cousin of hers were passing through Mr. Pollard's place, and met Mrs. Pollard spoke to Pokey, saying that the prisoner was entitled to a new trial ince her answer to the questions of Mr. H. C. Gregory in the Richmond jail had been exclud—

When Judge Crute had finished with

Mrs Pollard also asked if that was not Pokey Barnes, and received an affirmative answer from the prisoner, which was accompanied by an oath Pokey was then told by Mrs Pollard that her husband had forbidden her (Pokey) to go upon his premises, warning her to go around the road in future. Pokey's reply to this was, "I'll go where I d—n please; I ask you no odds; you——————(feling in the bosom of her dress), the next time I catch out, hell is certainly your home.

Moved to strike in a number of in a number of particulars.

Moved to strike in a number of particulars.

Moved to strike in a number of particulars.

Moved to strike in a number of particulars.

"Ellen, what time did you, Betsy Ellis and Mary Craighead leave Pokey's house?" asked Mr. Southall.

"When he got down by the fodder stacks in Mr. Fore's field the 4 o'clock train went along."

The OLD GATE PLACE

"Where is that old gate place you and Pokey game to 2!!" Mrs Pollard also asked if that wa

OF VITAL IMPORTANCE.

The admissibility of this evidence was argued at length by counse! on both sides, Judge Crute being of the opinion that the question raised was of vital importance, took time to consider it, stating that it was the first time that he had ever delayed a trial for such a purpose. Court then adjourned until 9 o'clock to-morrow morning

"Cousin Susan" who had accompanied her on her visit to her father's house on the day that the alleged difficulty took place between Pokey and Mrs. Pollard, was next placed on the stand. She testified that she had been present at the difficulty which occurred between Mrs. Pollard and Pokey, and that it had happened during August previous to the murdur.

THE QUARREL ABOUT VACCETARIES.

To-day they forced Ellen Gale, who to foam at the mouth. is a star witness for the prosecution to confess herself a perjurer, second only in proficiency to Solomon Mara-

The main fight of the day, however was over the admission of the testi-mony of D. J. Gregory, who stated that he had measured tracks found in the lane leading to Mr. Pollard's house and that they corresponded to foot prints of Pokey Barnes and Ellen Gale.

answer was temporarily withdrawn by the prosecution Major J. H. Derbyshire, and Mr Hugh Cardoza, who arrived from Richmond to-day, will go on the stand to-morrow, when testimony important to the defence will be brought out. They will return home to-morrow night. home to-morrow night.

When court opened the jury were taken to their room, and Judge Oute announced that after thoroughly lookng into and examining authorities he ad come to the conclusion that it was his duty to admit to the testimony of Emma Harding, in regard to the difficulty between Pokey Barnes and Mrs. Pollard in the month of August preceding the murder. Defence excepted to this decision.

THAT OTHER WITNESS. Emma Harding was then placed up on the stand again, and, in reply to th interrogatory as to whether she knew of any difficulty between Mrs. Pollard The Fuque had been reading cases all along, and had the them fairly well, but had influenced, and could give er a fair and impartial trial. Womack was also satisfied all give the accused an impartial trial with the fairly well. Womack was also satisfied all give the accused an impartial trial with the fairly well. The witness said that when we have the accused an impartial trial. Womack was also satisfied all give the accused an impartial trial with the fairly well.

his place, she replied:
"Who is old man Pollard? If he
were to do right and pay his debts, he
wouldn't have land enough to be buri-

lard out anywhere, hell would be her home. Mrs. Pollard then said: "Very well; when Mr. Pollard come to-night I am going to tell him that you threatened my life."

To this the witness said, Pokey replied that she might tell him, but that she was going to kill her, if it was the county, near Fort Mitchell. The witness gave in her testim with great volubility, accentuated by the fact that she stammered badly, and

repeated each word about three times POKEY'S DISDAIN.

ir of extr-me disdain.

Judge Flournoy took the witness in and and cross-examined her severely, Emma said that she had never told

Russel, at the tan yard. The only time she mentioned the matter afterwards was to Mr. H. C. regory, after she was summoned

nybody about the quarrel except Mr

On this point, the witness was hard to handle. She fought in every possible way against answering the question, saying that she went there on a visit. Judge Flournoy plied ther with questions as

o why she went, and finally asked the "Did Mr. Gregory send for you?" The witness after a slight pause, ac-knowledged that her brother Albert had brought her a note from Mr. Gregory. She gathered from the note, she said, that Mr. Gregory wanted to see

She told him, and he had her sum-asked Pokey where she was going nor had the latter told her. After Pokey confessed Herself a Perjuror.



POKEY BARNES AND MARY ABERNATHY "The one shall be taken and the other left."-Matt. xxiv:41.

catch out, hell is certainly your home.
Yes, you; d—n you, I'd kill you right now if I had anything to kill you with."

"Cousin Susan Thompson, repeatedly referred to by the previous witness as the "Cousin Susan" who had accompanied to be referred to be referre

The grant of the stand of the s

"Den," said Susan, "I walked off, 'cause I was sick and quarling sturbs me. Now, dat's de trafe, and nothing

But few new facts were elicited from revious witness, however, who stated that there had been no conversation concerning the difficulty with Mrs. Pol

The witness said that Pokey laughed they got back to Pokey's house. She immediately laid down, and stayed there until Betsy Ellis came back from Old Susan gave her testimony in a calm, deliberate fashion. It corresponded in many respects with that of Emma Harding, with the exception that Susan had not heard Pokey make

Susan Thompson gave way to Ellen Gayle, who has often been mentioned as being possessed of some information itherto not brought to light.

Dr Peter Winston, of Farmville, was put on the stand, and asked how long it would take for all animal heat to ge out of a human body, weighing about 130 pounds, in a temperature, such as usually prevails during the month of Jene. He replied that it would take not less than three hours, and that the extremities would cool first.

Dr. Winston was asked substantially

ed to him in the Abernathy case, and Dr. Winston then left the stand, and

for her child. She gave her the chick-en, and then Pokey said she would have to go home with her to get the

which, accompanied by Ben. Knight and Charlie Bailey, they went on to Pokey's house, where the latter cooked Barnes left her and went to Mr. Pol omething and they ate; after which hey laid down in the floor for a few

After going part of the way she and ny given this morning. Pokey turned back, and started to re-turn home, and came to a place they did not exactly know. The witness said she remarked; "This don't look like the way we came," and Pokey re-plied: "No, it don't."

"Where is that old gate place you and Pokey came to?' lard's house "How far is it from the house?"
"I don't know, but it is not very

"Did you see Pokey after you turned back?"

"Once; she was walking along very slow in the direction of Mr. Pollard's house, and had got down in the lane leading to the stable."

Pokey came back she did not come the

way that she went, but came round the fence." 'How did she look when she go

"Did you notice anything about he clothes?" "There was one snag in her coat." "Why did you turn back?"
"Because I knew Pokey was not allowed on Mr Pollard's land: and more than that she had taken some nine or en chickens, and I did not want to go through with a person like that."

The witness said that in returning to Pokey's house they had gone back up a s nk place in Mr. Fore's field. They had gone that way in order to be able to cross the branch. The witness did not know exactly what time it was when

Thompson's after cherries.

Betsy stayed there a while and then they walked out together and went round the road. When they came near where Mary Barnes was working in the ield she called and asked Pokey to oring her some water. Pokey said she could'nt do it, as she had nothing to bring it in. Witness got Mary a bucket of water herself.

After the old woman drank, they all

wentaway, and when they got not far from Pokey's spring they heard the bell at Pollard's begin to ring.

matter with Mr. Pollard. Pokey then ran toward the house, followed by all the hands from Fore's field. Witness heard later from Gracie Knight and Ben. Knight that Mrs. Pollard had been killed. She then went home. The witness said she did not think it ook more than half an hour for her

ey's house to the place where she and Pokey had parted with the others, and At this point counsel for the defence asked that a recess be taken until af-ter dinner, as Major J. H. Derbyshire who was expected on the 12:36 train

been living in the neighborhood of Mr. Pollard's house all of her life. In view On the way they stopped at Mr. Fore's and Mr. Weatherford's. After which, accompanied by Ben. Knight Charlie Bailey, they went on to where she had stated that Poke where she had stated t the point that it was singular that after living all her life in the neighborhood ing.

be a witness in the case. She had gone to Mr. Gregory's house, she said and had told him all about it. This happened, she said, about a week ago.

"Why did you go to Mr. Gregory?" asked Judge Flournoy.

On this country of the witness as to time and distance but found that it was almost altogether guess-work with her, the sun being hor this country of the witness as to time and distance but found that it was almost altogether guess-work with her, the sun being hor this country of the witness as to time and distance but found that it was almost altogether guess-work with her, the sun being hor this country of the witness as to time and distance but found that it was almost altogether guess-work with her, the sun being hor this country of the witness as to time and distance but found that it was almost altogether guess-work with her, the sun being hor this country of the witness as to time and distance but found that it was almost altogether guess-work with her. Then all of them, except has a sun and the properties of the witness as to time and distance but found that it was almost altogether guess-work with her. Then all of them, except has a sun and the properties of the witness as to time and distance but found that it was almost altogether guess-work with her. The properties of the witness as to time and distance but found that it was almost altogether guess-work with her. The properties of the witness as to time and distance but found that it was almost altogether guess-work with her. The properties of the witness as to time and distance but found that it was almost altogether guess-work with her. The properties of the witness as to time and distance but found that it was almost altogether guess-work with her the accuracy of the witness as to time and distance but found the properties of the witness as to time and distance but found the properties of the witness as to time and distance but found the properties of the witness as to time and distance but found the properties of the witness as to time and distan Taking a previous statement made by her, Captain Wise cross-examined he rigidly as to every point in her testime

> "Didn't you tell at Lunenburg Cour like the way we came," and Pokey replied: "No, it don't."
>
> They kept going on until they came
> to an old gate place, where witness of your sight one single instant during

get loose and get to me."

The witness then began to tell o some of Pokey's pugilistic exploits, bu was stopped by counsel for the defence and Judge Crute said he would see that she did not offend again.

MORE INACCURACIES

The cross-examination of the witne as spun out to considerable length After Captain Wise got through with her Captain Guigon took the witness in hand, and examined her particularly as to her parting with Pokey at the old "gate place." She said that when Pokey went through there she did not ask her (Ellen) to go with her, but said to her, "Why wont you go?" She also testified that when Pokey came back, after an absence of half an hour, she had a bunch of sumac in her hand. JUDGE FLOURNOY ASKS QUESTIONS TO

the witness, who occasionally showed some slight symptoms of temper, but was not able to extract anything new form her She did not seem to be a wil-ling witness as far as the defense was fter a few more questions she was dis-aissed and David Williams was put on

Judge Flournoy then took a turn a

son's and some time later he saw Pokey

man was carrying two rows.

They had completed two sets and were on a third when the women came back

ng Judge Mann requested that the Judge Mann asked the witness whet er he had heard Pokey say anything after

He said that Pokey had not said any

ever find it out. The jury was brought back and this stimony submitted to them CAPT. GUIGON EXERCISES HIS GIFTS. Defence began to examine the witness who stated after great exertions on the part of Captain Guigon, to draw him out that he was pretty confide

minutes. Mr Clyde Fore was the next witness. He stated that he was work-Mrs Pollard was murdered
This completed Mr Fore's examination, the defence stating that they had no questions to ask him, and Mr A E o'clock to-morrow morning Clements was put on the stand. He again gave in the evidence, already wice submitted by him, in regard to

THE DISTANCE FROM THE HOUSE. 'Mr. Clement," said Mr Southall, it has been testified to here as to an old gate place down in the lane from Mr Pollard's. How far is this place "Oh, it is seventy-four yards from

the stable-yard.
"How far is the sunk place "About forty yards, I think"

By the help of the chart of Mr Polard's place, Mr. Clements showed the jury the different fences and places aluded to in the testimony of witnesses. The witness testified that Pollard's ase could be seen from the old gate place, but after a person got down in

Mr. Clements said that the length of the corn rows in Fore's field was 26 whether there were any tracks in the to the house or not. Mr Clements said about 20 minutes to replant two rows of corn 264 yards long, when the ground

Mr Clements thought, however, tha Mr. Fore, who had the work in charge and had put the time at 15 minutes ought to know better than himself.

"Did you afterwards measure the

her, but did not know what he wanted with her. After she got to Mr. Gregory:

with her. After she got to Mr. Gregory the works, she said, he asked her what haif an hour at that gap bepassed on the occasion of the quarrel passed on the occasion of the quarrel

HE HAD HER SUMMONED.

Captain Wise here interposed, and meanly to death."

The jury were taken from the room, and meanly to death."

Didn't you tell the court and two women that Pokey was not out of your sight that afternoon?"

The jury were taken from the room, and meanly to death."

Derbyshire's testimony should be adout the witness, for a pour that afternoon?"

The jury were taken from the room, and meanly two hours was consumed in argument as to what portions of Major Derbyshire's testimony, he insisted that he (the witness stated that he had measured to a private room, and meanly two hours was consumed in argument as to what portions of Major Derbyshire's testimony, he insisted that he (the witness stated that he had measured to a private room, and meanly two hours was consumed in argument as to what portions of Major Derbyshire's testimony, he insisted that he (the witness stated that he had measured to a private room, and meanly two hours was consumed in argument as to what portions of Major Derbyshire's testimony he insisted that he (the witness, and that they had corresponded to a private room, and meanly two hours was consumed in argument as to what portions of Major Derbyshire's testimony he insisted that he (the witness, and that they had corresponded to a private room, and meanly two hours was consumed in argument as to what portions of Major Derbyshire's testimony he insisted that he (the witness, and they witness stated that he had meanly two hours was consumed in argument as to what portions of Major Derbyshire's testimony he insisted that he (the witness, and they had corresponded to a private room, and they had asked that as Mr. Southall had asked they had the witness, and they had corresponded to a private room, and they had they had the In answer to a question from Juror "but it was because I was so afraid of Gale, and that they had corresponded exactly to the foot-prints in the lane.

told a lie under oath?" said Captain Wise.

Continuing, he asked the witness what two women they were whom she told that Pokey was with the whole evening. The word was with the whole evening the sand, and the tracks were measured.

A I did.

Q. Why did you have that state-

were measured.

After thoroughly questioning the "I didn't know nothing about who who they were," replied the witness.
"Didn't you tell Betsy Ellis and Mary Didn't you tell Betsy Ellis and Mary that it should be excluded. Vehethat it should be excluded. Vehethat it should be excluded.

who they were," replied the witness.

"Didn't you tell Betsy Ellis and Mary nothing."

"I never told Aunt Betsy or Mary nothing."

"Didn't you tell that gentleman there," asked Captain Wise, rising to his feet and pointing to Mr. Hugh Cardoza, "that you never left Pokey that afternoon? He was in soldier clothes when you last saw him, but he is the same man. Didn't you tell him that."

"If I did it was because I was afraid of Pokey then there was a whole regiment of soldiers or no soldiers," said the titness, "all that Pokey wanted was to tel loos eand get to me."

"Soldiers or no soldiers," said the titness, "all that Pokey wanted was to tel loos eand get to me."

The witness then began to tell of the defence of the admission of the testimony under consideration, and court adjourned until 8:30 p. m.

"When they had concluded, the witness then began to tell of a coat in his room, and had not seen it since.

The Judge took the admission of the testime by. Captains Wise and Guigon urged that it should be excluded. Vehement speeches were made on either that it squestion, and the jury was taken out. The answer was as follows: "I went into Mr. T. C. Fowlke's store one morning for a cigar. While in there he said to me, Ellen Gale is here, and if she is allowed to make the same statement on the witness stand that I understand she will make, she will prove an alibi for Pokey Barnes and she ought to be fixed. I asked him him where Ellen Gale was.

He came to the door, "I went into Mr. T. C. Fowlke's store one morning for a cigar. While in there he said to me, Ellen Gale is here, and if she is allowed to make the same statement on the witness and she ought to be fixed. I asked him him that I' understand she will make, she will prove an alibi for Pokey Barnes and she ought to be fixed. I asked him him where Ellen Gale was.

He came to the door, was a statement on the witness and she ought to be fixed to me, Ellen Gale was.

He came to the door, was a statement on the will have because in the case of Pokey Barnes in the cas

The night session of the court began at 8:30 o'clock, with Mr. D. J. Gregory still upon the stand, and that the pros-

the reason only left-foot tracks had been found, was because the right feet of the parties who entered had been upon hard ground, the left foot being placed on sandy soil, cut up by stock.

came to me, and said he had taken the statement and read it to me.

I then suggested that he see Pokey Barnes, and get her statement without letting her know that he had seen Ellen Gale, to see how near their statements would tally.

be recalled later.
Mr. J. F. Eubank then took the stand and testified that he went down the lane leaping to the old gate-place early Saturday morning, and had found two bare-footed tracks going out of he draw-bars and two coming in next take it.

At this point, before the witness told |

the jury were sent from the room. Mr. Eubank then continued, stating hat there was a sharp splinter upon ception.

Mr Eubank said that he did not know where this piece of cloth was, that it had been handed around to sev-eral persons to look at, and had not been returned. The defence strenously objected to the admission of this testimony, claiming that it was secondary evidence, the piece of cloth not having been produced in court.

Before arguing the question Mr. Eubank was questioned further, and, in order to test his knowledge of colors

he was shown a piece of cloth, which

Mr. H. G. Fore was then put on the tand, and asked if he knew whether Ellen Gale and Pokey Barnes had on shoes the day Mrs. Pollard was murlered. He replied that they were both bare-footed. Mr. Fore then left the stand. The prosecution announce ed that they would recall him later, and court adjourned until 9:30

FARMVILLE, VA., May 2, 1896. It was expected this morning that he prosecution would pursue further the line of questioning begun yester-day, with Magistrate J. F. Eubank on the stand, to prove that the piece of blue cloth found by him on the back fence of Pollard's yard was torn from Pokey's dress on the evening of the murder as she climbed over.

This was not allowed, however, and it is understood by the defence that the prosecution has droped the matter. The only question that the prosecution has reserved the right to reope is concerning the tracks alleged to have been made by Pokey and Ellen Gale on the evening of the murder in the lane back of Mr. Pollard's house.

he tracks were measured will be in Mrs. A. E. Clements was the first witness put on the stand when court reopened this morning. She testified that she saw Pokey Barnes while un-der arrest for the murder of Mrs. Pol-

This concluded Mrs. Clements' ex- down, and she was awake when I go mination, and Mr. H. A. White was up.

put on the stand.

or, with the consent of the defence, to introduce a witness later in regard to the tracks found by Messrs. H. O. Gregory and W. W. Pettus in the lane leading to the old gate-place.

The witness replied that he could have taken it down better if he had known it would be used.

"Did you take it down for fun?" asked Mr. Southall. foot of any person that corresponded ed its case, reserving the right, however, with the m?"

A. I did. Q. Why did you have that state-ment taken down?

I went to the woman and asked her if she was Ellen Gale. She said she was. I asked her if she was a witness in the case of Pokey Barnes. She replied, "yes." I then asked her if she had any objection to stating to me exactly what she knew about the case.

that I didn't see that there was any material difference between them. There was nothing to attract my either was not telling the truth. I nburg county about this state-I thought it was my duty to

anything more about this torn piece, Objection was raised by the prosecution the jury were sent from the room. to this question and was sustained by Judge Crute The defence noted an ex-

> the other's statement was taken? A. Yes.
> This question there to was objected to by the Commonwealth, and the objec-

and was under the impression that he did not say anything about it to Judge "It happens to be green," said Captain Guigon, amid suppressed laughter around the court-room. Judge Crute said that this question having been raised by the witness.

MR. CARDOZA TESTIFIES.

This concluded Maj Derbyshire's examination, and Mr. Hugh Cardoza, who was sergeant of the hospital corps at Lunenburg Courthouse during the trial Crute said that this question having been raised he thought the witness ought to have a chance to look at the cloth by day-light. It was agreed therefore, that the question should be passed upon to-morrow, and Mr. Eubank left the stand.

The witness said he did this. He hen repeated the following as his recollection of what she had told him: Pokey said she came to Mr. Folkes nd brought the clothes, and come to our house about 11 o'clock and asked for a chicken, and I told her I'd let her have the chicken if she would let me

lie Bailey met ur at Mr. Folkes' and come home with us and we went on up At the red gate Ben Knight told Pok ey he wanted to see where the men were going to work. We kept on up to Pokey's house, and she cooked for us and asked me to eat, but I said I

we are going to Mr. Thompson's after cherries."

We went about three quarters of a mile towards Mr. Thompson's and

lard, and heard her say that she hoped mile towards Mr. Thompson's and Solomon Marable would be shot before came back home. This was about four he was brought back, for there was no e'clock. he was brought back, for there was no telling what kind of tale he was going to tellor who he would put in it. Mrs. Clements said this statement was made in her dining-room on a Sunday.

I lay down and went to sleep, and didn't know where Pokey was while I was about 6:30. When I lay down it was about 4:30 She was awake when I lay down and went to sleep, and didn't know where Pokey was while I was about 4:30 She was awake when I lay down and went to sleep, and didn't know where Pokey was while I was about 4:30 She was awake when I lay down and went to sleep, and didn't know where Pokey was while I was about 4:30 She was awake when I was awake when I was about 4:30 She wa

Mr. D. J. Gregory was measure the stand, and testified that he went down the lane to the old gate-place the day after the murder, and had found three tracks. There were two left-footed tracks of bare-footed persons coming in the draw-bars towards the house, and one going out.

He was asked whether it was known in the matter. He matter to the prosecution and cross-examined by Mr. Southall. The latter asked him that after the murder he had heard it said that it was caused by the fact that Mr. Pollard had been talking about having money at his house.

BESTED ITS CASE.

When they returned to the court-room Major Derbyshire was put on the

oner, should not have been pe to be laid before the jury."

Mr. Southall replied briefly to Captain Wise, but did not enter into any argument of the case. Judge Crute said that he would look over some authorities and the said that he would be said to come authorities and the said that he would be said to come and the said that he would be said to come and the said that he would be said to come and the said that he would be said to come and the said that he would be said to come and the said that he would be said to come and the said that he would be said that

day, and that he thought it probable the case could be finished this week.

FARMVILLE, VA., April 30, '96

put them through a course of ques

Captain Guigon then announced that he wished to submit a motion for a postponement of the case of the Commonwealth against Pokey Barnes until the next term of the court.

as to the innocence of Solomon Marable and Mary Abernathy, but had not read anything about the case of Pokey Barnes Mr. Carter was finally accepted.

ically unfit to go on with the case. They had been in a great strain for ten days, and did not feel that elasticity of mind which they should have when undertaking a case where human life was concerned.

The second reason was that they had been already away too long from their private business affairs, which would suffer thereby.

Lastly Captain Guigon said there was an indefinable, all-pervading somewas an indefinable, all-pervading somewas an open content of the prisoner at the bar, said that when the murder was first committed he might have expressed some only into opner ning it; but not as to

stand aside until the remainder of the not discussed the cases much.

would be extremely glad to continue tory answers to the question propound-the case, but he did not think that he ed, and took their seats in the jury-

about the cases all along, and had kept up with them fairly well, but had

NO EVIDENCE OF CRIME. -'She looked tolerable warm. The

The witness also testified that Pokey He stated, however, that if the large aid that if she could catch Mrs, Polard out anywhere, hell would be her been severed and the loss of blood had been great, the cheeks of the corpse might become cold in less than three

she said, on the day of the murder of Mrs. Pollard, when Pokey came to her house, about 11 o'clock, saying she had been to Mr Clyde Fore's to deliver some clothes she had washed. Pokey she said All the time she was on the stand the witness was regarded by Pokey with an air of extr-me disdain.

Judge Flournoy took the witness in

stopped, and said she would not go the walk that afternoon?" asked Cap through that way. Pokey then said: tain Wise. "I am going through here alittle way. "If I did it was because I was so much

onon and she wanted to see him. She said also, witness stated that Solomor was keen, and if he knew anything

vening of the murder.

Mr. D. J. Gregory was next put on the stand, and testified that he went down the lane to the old gate-place

tain Wise.

"If I did it was because I was so much afraid of Pokey. She had beat one woman nearly to death."

"I took no care of it after the Lunenburg trial," replied Mr. Gregory:
The jury were taken from the nearly two hours was consumed.

THOSE TRACES IN THE LANE. Captain Guigon then took the wit- came back they went to Pokey's house . "And so you acknowledge that you He explained that the coroner's jury Q. Did you have a statement of CONTINUED IN OUR NEXT.

The night session of the court began at 8:30 o'clock, with Mr. D. J. Gregory still upon the stand, and that the prosecution stated that they would for the present withdraw the question as to whether anybody's feet had been measured to find whether they corresponded with the tracks found in the lane by Gregory and Mr. Pettus.

The witness was examined in extenso as to the tracks, and explained that the reason only left-foot tracks had

After a severe cross-examination, the witness was told to stand saide, with the understanding that he would

by the Commonwealth, and the objection was sustained by the Court. The defense again excepted.

Being cross-examined the witness said that while he did not inform the officials of Lunenburg county, he talked very freely with Judge Orgain and Mr. Neblett. He was certain he did not mention the matter to Mr. Neblett and was under the impression that he

have some meal to make some bread for I let her have the chicken, and told her that if one of her elder children was at nome she could send for the meal, but there wasn't anybody but the little ones at home, so I went my-

was not hungry, but had a headache. She told me to eat a few mouthfuls I did. The men had gone to work.

Pokey Barnes taken down at the same time, but not in Ellen's presence, and without the knowledge of either that

statement that she wanted to make.

stand as the first witness for the de-fence. He testified as follows:

the 1 o'clock train passed while we were there. Davy Williams and Char-

While we were laying down Aunt Betsy Ellis and Mary Craighead came in and sat down awhile. Aunt Betsy said to Pokey: "Come and take a walk,

Captain Wise here interposed, and